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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/876,839 06/16/97 HOLT

S 192600780

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TM02/0801

EXAMINER

TIEU, B

ART UNIT

PAPER NUMBER

2642

DATE MAILED:

08/01/01

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.

08/876,839

Applicant(s)

HOLT ET AL.

Examiner

Benny Q. Tieu

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 22-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 recites the limitation "said plurality of routing lists" in line 6. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-16, and 22-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Yue et al. (U.S. Patent No. 5,764,747).

Regarding claims 1-7, 11, 13, 22-24, and 27, Yue teaches, in an integrated computer telephony system including a call routing system, a system and method for routing a call based on the identity of an originating source of said call, comprising the steps of:

Art Unit: 2642

maintaining a plurality of routing lists for a telephony subscriber, each of said routing lists comprising a plurality of directory numbers where the subscriber can be reached (Abstract), and for each of said routing lists:

associating each routing list with at least one originating source (column 7, lines 9-11);

determining an order of said directory numbers (column 7, lines 4-6);

receiving said call from a first originating source (column 10, lines 24-27);

identifying said first originating source of said call (column 10, lines 27-54);

selecting a routing list from said plurality of routing lists based on the identity of said first originating source (column 3, lines 16-20); and

directing said call sequentially to the directory numbers on said routing list selected (column 40-57).

Regarding claims 8-10, Yue further teaches the method wherein the selecting a routing list step further comprises the step of selecting the routing list from a group of routing lists identified for the originating party based on the day of the week or/and the time of the day the communication is received (column 7, lines 1-10).

Regarding claim 12, Yue further teach the system wherein the processing unit directs the call setup request by: selecting a first directory number from the routing list; routing the call to the first directory number; receiving communication disposition information from the first directory number; and if the communication disposition indicates the routing step failed, selecting a next directory number from the routing list and repeating above steps at the next directory number (column 3, lines 16-57).

Art Unit: 2642

Regarding claim 14, Yue further teaches the computer-readable medium wherein the identifying criteria comprises a CLID message and the step of obtaining an identifying criteria further comprises receiving the CLID message (Abstract).

Regarding claim 15, Yue further teaches the computer-readable medium wherein the identifying criteria comprises a DTMF code sequence and the step of obtaining an identifying criteria further comprises detecting the DTMF code sequences (column 8, lines 11-24).

Regarding claim 16, Yue further teaches the computer-readable medium wherein the identifying criteria comprises a DTMF code sequence and the step of obtaining an identifying criteria further comprises the steps of: providing keypad menu selection options to the called party; and receiving a DTMF signal corresponding to a keypad menu selection from the called party (Fig. 7-26C).

Regarding claims 25 and 26, it should be noticed that area code is included in Calling Line number Identification (CLID). Therefore, when the CLID is detected, area code is detected. Further, exchange carrier is associated with the CLID, hence the exchange carrier code is detected.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2642

5. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yue et al. as applied to claims 1 and 5 above, and further in view of McAllister et al. (U.S. Patent No. 5,978,450).

Regarding claims 17-18, Yue teaches the method for selecting a routing list based on call identification telephone number (Abstract). Yue fails to teach "a speech sample" that is used to identify a caller in order to routing the call. However, McAllister teaches a communication network comprising a peripheral to analyzes speech of a caller to identify the caller (column 4, lines 19-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of analyzing speech of a caller as taught by McAllister into the method disclosed by Yue in order to identify the caller to route the call.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-18 and 22-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Malik et al. (U.S. Patent No. 5,724,409) teaches speed forwarding system for personal number communications system.

Art Unit: 2642

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or: Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

Art Unit: 2642

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6306 for regular communications and (703) 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Benny Q. Tieu  
Examiner  
Art Unit 2642

BQT  
July 26, 2001

*Harry S. Hong*

**HARRY S. HONG  
PRIMARY EXAMINER**